

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES CODY <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 4:17-cv-02707-AGF
)	
v.)	
)	
CITY OF ST. LOUIS,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO STAY

COMES NOW Defendant City of St. Louis (“City”), by and through its attorney Julian Bush, City Counselor for the City of St. Louis, and hereby submits this motion to stay:

1. On Friday, July 17, 2020, the City of St. Louis Board of Aldermen voted unanimously to pass Board Bill 92 as Amended, codified as City Ordinance 71217. (*See* Ex. A, Ordinance 71217).

2. Ordinance 71217 “directs the Commissioner of Corrections to begin the process of closing the Medium Security Institution (MSI) as a detainee holding facility.” *Id.* at 2.

3. The ordinance further states that “[t]he Commissioner of Corrections is directed, within 45 days of the effective date of this ordinance, to provide the Public Safety Committee of the Board of Aldermen and the Board of Estimate and Apportionment a detailed plan to discontinue operating MSI as a facility to house detainees with a planned closure date by December 31, 2020.” *Id.* at 4.¹

¹ The Board of Alderman’s decision to pass Ordinance 71217 and deliberations regarding the same were entirely independent and undertaken without advice from counsel in this case.

4. Given the likely closure of MSI, continued discovery in this case is unduly burdensome, not proportional to the needs of the case, and not in the interest of judicial economy.

5. The passage of Ordinance 71217 has substantially increased the likelihood of settlement and prompted renewed and ongoing settlement discussions between the parties that would be most productive were this case stayed.

6. Further merits discovery regarding plaintiffs' putative § 1983 class damages claims is unnecessary and this Court should, in the alternative, stay this case with the exception of the class certification deadlines for plaintiffs' class damages claims.

7. A memorandum of law in support of this motion is filed herewith an incorporated herein by reference.

WHEREFORE, for all of the reasons set forth above, Defendant respectfully requests that this honorable Court grant its motion to stay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system.

/s/ Andrew D. Wheaton